

BAILEY & OROZCO, LLC

ATTORNEYS AT LAW

HOWARD W. BAILEY

MICHAEL A. OROZCO

THE NATIONAL NEWARK BUILDING
744 BROAD STREET, SUITE 1901, NEWARK, N.J. 07102

PHONE: 973-693-4408
FAX: .973-735-2719

WEB: WWW.NJ-CRIMINALDEFENSE.COM
WWW.BOLEGAL.COM

MATTHEW BRYANT, *OF COUNSEL
*MEMBER OF NEW YORK BAR

November 10, 2009

Via Electronic Filing and First Class Mail

Western District of Louisiana
Attn: Honorable Donald Walter
300 Fannin Street
Shreveport, Louisiana 71101-3083

Re: Harold Turner
Docket No: 09-CR-650

Dear Judge:

I spoke with Mr. Hogan yesterday regarding the outstanding discovery, and was informed that I could expect to receive same within the coming week. Though Mr. Hogan does not believe that the material is relevant, it is my office's responsibility to receive and review same to determine it's applicability to Mr. Turner's defense. Until we receive the documents my office is in a position that does not allow me to definitively and accurately argue certain points, specifically, the defense of public authority and selective prosecution (this was pointed out in our consolidated response to the Government's In Limine motions.) Upon receipt we will seek leave of the court to file supplemental motions.

Today, though the Government has been on notice of this defense since I made my initial appearance on the bond hearing in Chicago on July 28th, 2009, I will be submitting my office's formal notice of a public authority defense under seal as required by Federal Rule of Criminal Procedure 12(a)(1). I would appreciate the opportunity to discuss this discovery issue further during the video conference scheduled for this coming Monday.

Regarding the applicable jurisdiction for the purposes of jury instructions, my office has no objection to use of the Second Circuit.

Sincerely,



/S/Michael Orozco

MAO/mao

cc: William Ridgeway & William Hogan, Via Electronic Filing